

VIENNA PUBLISHER IS UPHELD IN 'WAR'

**Court Decision Aids Owner
of New Tabloid, but Rival
Press Continues Attack**

By JOHN MacCORMAC

Special to The New York Times.

VIENNA, April 5—The Vienna Trade Court decided this week that Fritz Molden, a newspaper publisher, had not broken the law by bringing out as a successor to the temporarily defunct Bild-Telegraf a new evening tabloid called the Bild Telegram.

The court refused to grant the proprietors of the Bild Telegram an injunction against further publication of the new Molden newspaper, which is now called Evening Express.

This was a partial victory for Herr Molden in Vienna's unusual newspaper war. That the war is not over, however, was indicated today by the revived Bild Telegram. It said another Vienna court had decided Herr Molden had misused the Bild Telegram format and masthead in bringing out his newspaper, and declared that the question must be settled in a full-dress court proceeding.

The revived Bild Telegram is apparently now being published by a syndicate organized by Fritz Polcar, Member of Parliament and chairman of the Vienna branch of the conservative People's party. Herr Polcar had recently been accused by organs of the Socialist party of accepting campaign contributions from a concern that was said to have gained, in return, a profitable position as middleman in the transactions by which Austria is paying off her \$150,000,000 obligation to the Soviet Union.

Herr Molden's Die Presse, a conservative newspaper that normally supports the People's party, has been highly critical of Herr Polcar's procedure, although a party court of honor had cleared the People's party leader.

As a result, Herr Polcar and the People's party as a whole were apparently reluctant to see Herr Molden enter the evening newspaper field when the Bild Telegram seemed to be about to fail. This is seen as the cause of the newspaper war that resulted in confiscation of nearly 2,000,000 papers and gave rise to a multitude of injunctions and libel suits. These have still to go to trial.

STAT